

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KYLE R. McCLURE,

Plaintiff,

v.

Case No. 20-12517

Honorable Victoria A. Roberts

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER: (1) OVERRULING PLAINTIFF'S
OBJECTIONS [ECF No. 23]; (2) ADOPTING
REPORT AND RECOMMENDATION [ECF No. 22];
(3) DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT [ECF No. 16]; and (4) GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT [ECF No. 19]**

On February 4, 2022, Magistrate Judge Kimberly G. Altman issued a Report and Recommendation ("R&R") recommending that the Court DENY Plaintiff's Motion for Summary Judgment and GRANT Defendant's Motion for Summary Judgment. Plaintiff objects to the R&R.

When a party properly objects to portions of a magistrate judge's report and recommendation, the Court reviews such portions *de novo*. See Fed. R. Civ. P. 72(b). However, only specific objections that pinpoint a source of error in the report are entitled to *de novo* review. *Mira v.*

Marshall, 806 F.2d 636, 637 (6th Cir. 1986). General objections – or those that do nothing more than disagree with a magistrate judge’s determination, without explaining the source of the error – have “the same effect[] as would a failure to object.” *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). That is, such objections are not valid, and the Court may treat them as if they were waived. *See Bellmore-Byrne v. Comm’r of Soc. Sec.*, No. 15-11950, 2016 WL 5219541, at *1 (E.D. Mich. Sept. 22, 2016) (citing *id.*). Similarly invalid are objections “that merely reiterate[] arguments previously presented, [without] identify[ing] alleged errors on the part of the magistrate judge.” *See id.*

Plaintiff fails to properly object to the R&R.

In his first objection, Plaintiff reiterates identical – or nearly identical – arguments made in his summary judgment brief, without identifying any error made by Magistrate Judge Altman. This objection lacks merit, is improper, and is waived. *See id.*; *see also Owens v. Comm’r of Soc. Sec.*, No. 12-CV-47, 2013 WL 1304470, at *3 (W.D. Mich. Mar. 28, 2013) (“Plaintiff’s objections are merely recitations of the identical arguments that were before the magistrate judge. This Court is not obligated to address objections made in this form because the objections fail to identify the *specific* errors in the magistrate judge’s proposed recommendations, and

such objections undermine the purpose of the Federal Magistrate's Act, which serves to reduce duplicative work and conserve judicial resources.” (internal citations omitted)).

Plaintiff's second objection is also deficient. In it, Plaintiff points out that Magistrate Judge Altman referenced the ALJ's notation that Plaintiff's treating physician declined to find him disabled from all work. Plaintiff then asserts that his treating physician's assessment addressed an ultimate issue reserved to the Commissioner, and that the opinion “would not have been adopted” if it had stated he was disabled from all work.

As Defendant points out, Plaintiff waived this argument because he failed to raise this issue before the magistrate judge. See *Murr v. United States*, 200 F.3d 895, 902, n.1 (6th Cir. 2000) (“[A]bsent compelling reasons, [the Magistrate Judge Act] does not allow parties to raise at the district court stage new arguments or issues that were not presented to the magistrate.” (citations omitted)); *United States v. Waters*, 158 F.3d 933, 936 (6th Cir. 1998) (“issues raised for the first time in objections to magistrate judge's report and recommendation are deemed waived”) (citation omitted).

Plaintiff's objections are deficient.

Nevertheless, after a *de novo* review of the R&R, the Court agrees with Magistrate Judge Altman's findings and conclusions. She accurately laid out the facts; she considered the record as a whole; and her conclusions are well reasoned and well supported.

The Court **OVERRULES** Plaintiff's objections and **ADOPTS** Magistrate Judge Altman's R&R.

The Court **GRANTS** Defendant's Motion for Summary Judgment and **DENIES** Plaintiffs Motion for Summary Judgment.

Judgment will enter in favor of Defendant.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 10, 2022